IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 269 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SAROJBEN KANUBHAI PATEL - Applicant(s)

Versus

THE STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR JV JAPEE for Petitioner No(s).: 1.

Mr.Gohil, Addl.PUBLIC PROSECUTOR for Respondent No(s).: 1.

DS AFF.NOT FILED (R) for Respondent No(s).: 2.

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CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date : 11/08/2005

ORAL JUDGMENT

1.The petitioner has preferred this petition for directing the respondent No.2 to refer all the pending N.C memos in respect of Jeep bearing Reg.No.GJ-9B-3538 to the concerned criminal court for adjudication.

2.Upon hearing Mr.Japee for the petitioner and Mr.Gohil, Ld.APP for respondent-State there is no dispute on the point that the matter is covered by the order, dated 1.7.05 passed by this court in Spl.Cri.A.No.828/05 whereby at para 6 direction given was as under:

> "6.In view of the above, it is directed that the respondent Nos 2 and 3 (as the case may be) shall forward the memo to the concerned criminal court for detention of the vehicle within a period of one week from the date of receipt of the order of the concerned court. It is further directed that if the petitioner makes application to the respondent No.2 under section 207(2) of the Act within a period of one week, the same shall be decided in accordance with law under section 207 of the Act by respondent No.2 within a period of one week from the date of receipt of the said application."

3.In the present case also, as the matter is only pertaining to forwarding of memos to the concerned court, similar directions shall be given. Mr.Gohil, Ld.APP appearing for the State also submitted that if such directions are given the authority shall comply with the same.

4.In view of the above, it is hereby directed that the respondent No.2 shall forward all pending N.C.Memos pertaining to the vehicle, i.e. Jeep bearing Reg.No.GJ-9B-3538 to the concerned criminal court within a

period of one week from the date of receipt of writ of this court.

5.Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. DS permitted.

(JAYANT PATEL,J)

11.8.05/murty